

COMPONENT TWO

AGENCY ROLES AND RESPONSIBILITIES

2.1 INTRODUCTION

The State of South Dakota will continue to build on the resources and technical expertise necessary to adequately design and implement the South Dakota Generic and Pesticide Specific, State Management Plans (SMPs). Roles and responsibilities of those involved in the SMP process are discussed below.

Several agencies and organizations have the role of advising the South Dakota Department of Agriculture (SDDA) and the Department of Environment and Natural Resources (DENR) in SMP development and implementation (refer to Box 2.1).

Box 2.1
Statutory Authority For Pesticides and For Ground Water

The South Dakota Department of Agriculture and the Department of Environment and Natural Resources have the majority of SMP responsibilities as state agencies with statutory authority over pesticides and water resources, respectively.

Specifically, advisors from the Natural Resources Conservation Service (NRCS), the Cooperative Extension Service (CES), South Dakota State University (SDSU), Registrants, the South Dakota Fertilizer and Ag Chemical Association, grower and

producer groups, and water user groups will contribute to the success of the SMP.

The SDDA began the formal process of developing the Generic State Management Plan (GSMP) for Pesticides and Ground Water with the first SMP new initiatives grant from EPA. Soon after receiving the grant, SDDA and DENR began cooperatively drafting the initial generic document. The NRCS also contributed to the first draft through an employee on detail to DENR. Once the basic ideas were on paper, frequent meetings between SDDA, DENR, NRCS, CES, and SDSU, led to the current version of the SMP. The South Dakota Fertilizer and Ag Chemical Association and a pesticide registrant were added mid-way through the process. The SDDA established this group as the Pesticides and Ground Water Advisory Group (PAGWAG). They were charged with development of the Generic State Management Plan. New pesticide specific groups will be formed by SDDA for development of Pesticide Specific State Management Plans (PSSMPs). Revisions to the generic document included input from others in the pesticide production industry, water development districts, commodity groups, the Nonpoint Source Task Force, and the general public. A list of SMP stakeholders is found in Appendix A. The GSMP will be finalized and sent to EPA Region VIII for review and concurrence. After the GSMP is finalized pesticide specific SMP advisory groups will be formed by SDDA and Pesticide Specific State Management Plans (PSSMPs) will be developed similarly to the GSMP and submitted to EPA according to final SMP rule requirements. Final EPA concurrence of the GSMP and final approval of the PSSMPs will rest with the EPA, Region VIII Administrator.

The following agreements are in place to ensure implementation of the SMP will be carried out by each participating agency: the SMP Concurrence Signatures (see page xiv); the SDDA/DENR Memorandum of Understanding (MOU) (Appendix B); and the SDDA and SDSU Interagency Agreement of Pesticide Certification and Recertification (Appendix D). Concurrence Signatures indicate each agency involved in the SMP concurs with the plan and commits to carry out their agency's responsibilities as stated in the plan. This serves as the mechanism to formally commit respective work efforts to the Generic and Pesticide Specific State Management Plans, as allowed by statutory authority and budgetary limits.

2.2 SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

The SDDA is directed by the legislature to promote, encourage and protect the interests of agriculture. It is SDDA's position that major issues facing agriculture and the environment, sustainable agriculture, integrated pest management, crop rotation, conservation and other sustainable practices are to be addressed with a vision for the future and the need to protect South Dakota's resources.

2.2.1 DIVISION OF AGRICULTURAL SERVICES

A. Active Pesticide Programs

The SDDA is responsible for registration of pesticide products, applicator certification and licensing, dealer licensing, waste pesticide collection, and pesticide container recycling (refer to Box 2.2). The SDDA is also responsible for SMP development and implementation, operational area containment compliance oversight, investigation of pesticide spills, pesticide handling and discharge response plan compliance oversight, potable water back flow protection compliance oversight, inspection of pesticide producers and retail outlets, investigation of pesticide use complaints, and ensuring proper transportation, storage and handling of pesticides. The SDDA also enforces and administers pesticide-related civil penalties. These areas of responsibility provide for ground water protection and pollution prevention activities. The SDDA has the authority to cancel, restrict or limit the use of a pesticide in South Dakota for reasons including, but not limited to, ground water concerns.

Box 2.2 Responsibilities Of The South Dakota Department of Agriculture

- **Registration of Pesticides**
8,000 plus Restricted Use Pesticides (RUP) and general use pesticides are registered in South Dakota and sold or used for agricultural or non-agricultural use;
- **Applicator Certification and Licensing**
The SDDA certifies private applicators and certifies and licenses commercial applicators. Pesticide application records are required of all commercial applicators. Dealers keep records of all RUPs sold;
- **Waste Pesticide Collection**
Unusable pesticides are collected and disposed of by SDDA through the Waste Pesticide Collection Program;
- **Pesticide Container Recycling**
The SDDA Pesticide Container Recycling Project collects empty and properly rinsed pesticide containers for recycling;
- **SMP Development and Implementation**
The SDDA regulates pesticides to protect human health and the environment, including ground water;
- **Operational Area Containment**
The SDDA regulates spill-reporting requirements for Operational Area Containment. All discharges must be promptly recovered. The recovered material must be used in accordance with the label. A written pesticide handling and discharge response plan must be developed;
- **Pesticide Containment**
Liquid pesticide secondary containment is regulated by SDDA. The containment must be large enough to contain discharges from the largest container.

B. Role in this Plan

Specific roles and responsibilities for SDDA in the development and implementation of the SMP are listed below. These activities are the primary responsibility of the Division of Agricultural Services, within SDDA.

- State lead agency and Governor-designated contact for EPA regarding the SMP;
- Oversee and cooperatively develop the SMP with DENR, other agencies and the public;
- Regulate pesticides through state statute and agency regulations and Federal Insecticide Fungicide and Rodenticide Act (FIFRA) regulations addressing:
 - ◊ registration and distribution
 - ◊ use
 - ◊ applicator certification and licensing
 - ◊ transportation
 - ◊ storing
 - ◊ disposal
 - ◊ handling
 - ◊ enforcement
- Cancel the use of a pesticide if necessary:
 - ◊ cancel the use on a site-specific basis
 - ◊ cancel the use state-wide
- Require pesticide information from:
 - ◊ applicators
 - ◊ dealers
 - ◊ chemical companies
 - ◊ federal and state agencies
 - ◊ agricultural and non-agricultural organizations
- Seek regulatory and statutory changes related to the SMP as necessary;
- Organize and chair all Pesticide and Ground Water Advisory Group meetings;
- Sponsor public meetings to gather comments on the SMP;
- Promote and help develop voluntary and/or mandatory Best Management Practices;
- Make presentations to various organizations to gather comments on the SMP;
- Provide information on the SMP to applicators, dealers, and the public;
- Respond to pesticide contamination problems, and
- Cooperate in the development of aquifer sensitivity and vulnerability maps.

2.3 SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Roles and responsibilities of DENR in the development and implementation of the SMP are listed below. These activities are primarily the responsibility of the Ground Water Quality Program (GWQP) and the Geological Survey Program (GSP) with other programs involved as noted.

2.3.1 DIVISION OF ENVIRONMENTAL SERVICES

Ground Water Quality Program
Drinking Water Program
Waste Management Program
Water Rights Program

And

DIVISION OF FINANCIAL AND TECHNICAL ASSISTANCE

Geological Survey Program
Watershed Protection Program

A. Active Ground Water Programs

The DENR has many active programs under the Division of Environmental Services and the Division of Financial and Technical Assistance that protect ground water (refer to Box 2.3).

B. Role in this Plan

- Cooperatively develop the SMP with SDDA, other agencies, and the public;
- Respond to and ensure corrective action of regulated substances discharges, including pesticides;
- Enforce ground water quality standards;
- Develop and implement statewide ground water quality monitoring network;
- Cooperate in the development of maps for sensitivity (related solely to hydrogeologic characteristics of the aquifer and the overlying geologic materials) and for vulnerability (as a result of agronomic management practices, pesticide characteristics and aquifer sensitivity);
- Maintain a pesticide in ground water data management system;
- Assist SDDA with public meetings to gather input on the SMP; and
- Assist SDDA with presentations to agencies and organizations to gather input on the SMP.

Box 2.3
Responsibilities Of The
South Dakota Department of Environment and Natural
Resources

Wellhead Protection Program

- Develop a Source Water Assessment and Protection program;
- Provide wellhead protection program guidance. Includes technical assistance and information to public water suppliers;
- Wellhead protection programs and the SMP share the same water quality goals.

Statewide Ground Water Quality Monitoring Network

- Maintain the monitoring program for South Dakota.

Nonpoint Source Pollution Prevention

- Provide technical information and oversight of the implementation of Section 319 nonpoint source pollution control projects.

Regulated Substances Discharges

- Ensure discharges to the environment receive proper corrective action.

Ground Water Quality Standards

- Ensure ground water quality standards are met.

Other DENR efforts that are peripheral to but may contribute to SMP implementation:

- Administer the Superfund Amendments and Reauthorization Act (SARA) Title III;
- Administer the Comprehensive Emergency Response, Compensation and Recovery Act (CERCLA);
- Administer the Comprehensive State Ground Water Quality Protection Program;
- Administer the wellhead protection and source water protection programs;
- Administer Safe Drinking Water Act and state law;
- Adopt drinking water standards for the state's public water supplies;
- Manage water quality data and information on public water supplies;
- Engage in county and area-wide geologic and hydrogeologic studies and special ground water studies;
- Regulate the handling and disposal of solid and hazardous wastes;
- Administer the Resource Conservation and Recovery Act (RCRA);
- Collect and manage ground water data, including irrigation and chemigation use;
- Regulate drilling, construction, and plugging of water wells;
- Maintain a statewide water level observation network; and
- Administer the 319 Nonpoint Source Control Program.

2.4 PESTICIDES AND GROUND WATER ADVISORY GROUP

The PAGWAG currently consists of the following: SDDA, DENR, NRCS, the CES, SDSU, the South Dakota Fertilizer and Ag Chemical Association, and a registrant representative. The PAGWAG assisted in the development of the GSMP for South Dakota. A similar, but pesticide specific group will be formed to develop and implement PSSMPs.

Advisor responsibilities in the development and implementation of the SMP shall consist of:

- Provide recommendations regarding;
 - ◊ pesticide labeled use
 - ◊ pesticide use restrictions
 - ◊ pollution preventative actions
 - ◊ interpretation of site assessment information
 - ◊ data collection
 - ◊ pesticide leaching and runoff characteristics
 - ◊ management plan development for various aquifers, watersheds, and pesticide use
- Provide information to be used at pesticide applicator certification training;
- Inform pesticide applicators about Farmstead Assessment System or FARM-A-SYST, Best Management Practices (BMPs), and other pesticide and ground water protection measures;
- Develop or modify pest management standards, if necessary;
- Provide technical assistance to land owners under farm bill provisions;
- Assist in sensitivity and vulnerability mapping projects;
- Consider the economic costs associated with SMP management options;
- Review the extent, frequency, and significance of reported concentrations;
- Evaluate associated trends over time in relation to the Reference Point;
- Consider the scientific validity of the data; and
- Consider land use factors, which may be unique or unusual.

2.4.1 SOUTH DAKOTA DEPARTMENT OF AGRICULTURE; DIVISION OF RESOURCE CONSERVATION AND FORESTRY

A. Active Programs

- State Conservation Commission, develops and implements the Coordinated Soil and Water Conservation Plan;
- Provide assistance and oversight to the state's sixty-nine conservation districts. Conservation districts provide direct assistance to individual land operators;
- Conservation districts are the only resource agencies covering the entire state. They have the authority to cooperate with all other resource agencies. SDDA "has the duty and the power to represent the state conservation districts and to develop and implement state policy for land conservation and development": and
- Provide wetland education and conflict resolution.

B. Role in this Plan

- Advisory Group Member

2.4.2 SOUTH DAKOTA BOARD OF REGENTS

**South Dakota State University
South Dakota Agricultural Experiment Station
Cooperative Extension Service**

A. Active Programs

- Student Teaching;
 - ◊ pesticides
 - ◊ agriculture
 - ◊ natural resources
 - ◊ home economics
 - ◊ ground water
 - ◊ surface water
 - ◊ soils
- Research; and
 - ◊ pesticides
 - * efficacy
 - * chemistry
 - * fate and transport
 - ◊ ground water and surface water
 - ◊ crops
 - ◊ BMP development and testing
 - ◊ soils
 - ◊ ecosystems

- Education.
 - ◊ integrated pest management
 - ◊ pesticide impact assessment
 - ◊ extension specialist programs
 - ◊ certification program

B. Role in this Plan

- Agricultural Experiment Station (AES);
 - ◊ fulfills the land grant research mission at SDSU
 - ◊ basic and applied agronomic research
 - ◊ cooperate with land grant universities in neighboring states
- Cooperative Extension Service; and
 - ◊ county offices
 - ◊ train and certify pesticide applicators
 - ◊ provide Extension Specialists
 - ◊ develop educational materials
 - ◊ develop state-wide programs for pesticides
 - ◊ provide water resource and soil survey information
 - ◊ implement the Pesticide Impact Assessment Program (PIAP)
 - ◊ implement the Integrated Pest Management Program (IPMP)
- South Dakota State University, Agricultural Research Station (ARS), Water Resources Institute (WRI), and Northern Great Plains Water Resources Center (NGPWRC).
 - ◊ provide research information in the following areas of expertise
 - * pesticides
 - * ground water
 - * surface water
 - * soils
 - * computer modeling

2.4.3 US DEPARTMENT OF AGRICULTURE; NATURAL RESOURCES CONSERVATION SERVICE

A. Active Programs

- Provides for the sound use and management of South Dakota's natural resources to prevent their degradation and assure their sustained use and productivity;
- Consider social, cultural and economic needs of landusers;
- Provide voluntary planning and application assistance to landusers in the sound implementation of conservation practices;
- Provide county soil surveys;
- Provide a pesticide management standard from the NRCS Technical Guide; and
- Provide wetland determinations for cropped areas.

B. Role in this Plan

- Continue work with state and federal agencies to develop SMP policy;
- Provide technology transfer and information dissemination to landowners;
- Soil and pesticide data will be shared; and
- Share data created and stored in Geographic Information Systems (GIS).

2.4.4 REGISTRANT

A. Active Programs

- Register and maintain registration of the product with SDDA;
- Pay authorization fees;
- Provide supporting product information, may include sales and use data; and
- Provide analytical methodologies and laboratory standards.

B. Role in this Plan

- Support an education and outreach program;
- Supply requested informational materials, including BMP suggestions, monitoring suggestions, and pesticide water quality assessment information;
- Supply requested ground water monitoring data results from studies in South Dakota and other states;
- Provide review on BMPs and other restrictions; and
- May be asked to propose a Pesticide Specific Management Plan.

2.4.5 SOUTH DAKOTA FERTILIZER AND AG CHEMICAL ASSOCIATION

The agricultural chemical dealer is a key player, and is essential for the SMP concept to work. The dealer may be one of the last influential contact points before an applicator prepares to make the pesticide application. The dealer has an opportunity to provide the last word in sound pesticide application practices to the producer.

A. Active Programs

- Provide applicator with pesticide active ingredient information;
- Hold meetings to update applicators on product use, storage, transportation and mixing; and
- May offer pesticide management services.

B. Role in this Plan

- Provide point of sale or pick-up use information, including Pesticide Specific Management Plan label;
- Provide information on ground water and pesticide management; and
- Supply applicator with local ground water information, including pesticide detections.

2.5 OTHER COOPERATORS - STATE

2.5.1 SOUTH DAKOTA DEPARTMENT OF HEALTH

A. Active Programs

The South Dakota Department of Health has services available to persons, businesses and communities in the following areas:

- Technical assistance is available to individuals and health care providers;
- Health and safety information is available to individuals, businesses, health care providers;
- Samples collected for chemical contamination testing may be submitted to state health laboratory;
- Community Health Nurses are in every county to assist individuals; and
- An on-staff epidemiologist is available.

B. Role in this Plan

- Emergency aid may be available when private well owners lose their drinking water supply during such disasters as flooding, and other well contamination events;
- Provide pesticide toxicological information; and
- Supply technical health and safety information.

2.5.2 SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

A. Active Programs

- Wetlands;
- Environmental enhancements; and
- Surface water issues.

B. Role in this Plan

- Provides biological information on impacted species and surface water issues.

2.5.3 LABORATORY

Only laboratories that are qualified and capable of performing analyses on water samples, soil samples, vegetation samples, and/or pesticide samples will be used.

A. Active Programs

- Laboratory Services.

B. Role in this Plan

- Provide laboratory services for SMP implementation.

2.6 OTHER COOPERATORS - FEDERAL

2.6.1 ENVIRONMENTAL PROTECTION AGENCY - PESTICIDE REGULATION

A. Active Programs

Several EPA programs are involved in protecting ground water, including:

- Federal Insecticide, Fungicide and Rodenticide Act, administered by the Toxics Program;
- Safe Drinking Water Act (SDWA), under the Water Program;
- Clean Water Act (CWA), administered by the Water Program;
- Resource Conservation and Recovery Act, under the Hazardous Waste Program; and
- Comprehensive Emergency Response, Compensation and Liability Act, under the Hazardous Waste Program.

EPA has provided funding, guidance documents, and technical assistance for states to develop and implement SMPs. The Pesticides In Ground Water Strategy (EPA, October 1991) describes the Agency's goals, policies, management programs, and regulatory approaches for protecting the nation's ground water and is the foundation for the SMPs.

B. Role in This Plan

- Continue to develop the Pesticides and Ground Water State Management Plan Regulation; Provide technical assistance and guidance documents to the states;
- Continue to provide partial financial support to the states for the development and implementation of SMPs;
- Continue to evaluate pesticide fate and transport models, regulate pesticide products that pose a threat to the nation's waters, and continue the move towards safer pesticides; and
- Review and concur with the Generic SMP and review and approve the Pesticide Specific SMPs or else provide written comment on the SMPs deficiencies for state/EPA discussion.

2.6.2 UNITED STATES DEPARTMENT OF AGRICULTURE

2.6.2.1 Consolidated Farm Services

A. Active Programs

- Administer USDA funding for the Farm Bill.

B. Role in this Plan

- Provide Farm Bill information.

2.6.2.2 Agricultural Marketing Services

A. Active Programs

- Collects crop, weather and selected pesticide information by appropriate statistical methods; and
- Implement private applicator restricted use pesticide record keeping program.

B. Role in this Plan

- Provided information for SMP development and implementation in the areas of crop and weather summary data and pesticide use applications.

2.6.3 UNITED STATES GEOLOGICAL SURVEY

A. Active Programs

The US Geological Service (USGS) collects and disseminates water quality data. They cooperatively perform the following functions in South Dakota:

- National mapping program;
- Water-resource data collection;
- Geologic mapping and mineral-resource appraisals;
- Map production;
- Water-resource appraisals (county and water development district studies);
- Geologic information for land-use planning;
- Studies in environmental health;
- Water-resource information for South Dakota Indian Tribes;
- Effects of floods and droughts;
- Lake and reservoir sediments;
- Potential for artificial recharge;
- Use of bedrock aquifers for water supply;
- Quality of urban storm-water runoff;
- Volatile organic chemicals in ground and surface water;
- Earth observation data;
- Geologic information centers; and
- Cooperatively support Water Resources Research Institute.

B. Role in this Plan

- Provide GIS base layer information to the state in such areas as transportation, political boundaries, and surface hydrography. Mylar and digital format 7.5 minute quadrangle maps are available for GIS purposes.

2.6.4 UNITED STATES FISH AND WILDLIFE SERVICE

A. Active Programs

- Wetlands; and
- Environmental enhancements.

B. Role in this Plan

- Provide biological information on species and water issues that may be impacted by pesticide use.

2.6.5 UNITED STATES BUREAU OF RECLAMATION

A. Active Programs

- Special studies.

B. Role in this Plan

- Conduct a 10-year hydrology study to assess the quantity, quality and distribution of surface and ground water in the Black Hills area. The information collected may be of value to the development of the SMP.

2.7 OTHER REVIEWERS OF THE DRAFT SMP

Pesticide and water issues are of concern to all. Several groups have been active in social, environmental, and agricultural issues in South Dakota and will provide an active forum for issue comment. The following agencies, organizations, and special interest groups will be asked to review and comment on the SMP draft:

2.7.1 South Dakota Nonpoint Source Task Force

This group provides a forum for information exchange, discussion, and resolution of nonpoint source conflicts. It serves as a coordinating body for the review and direction of federal, state, and local government nonpoint source programs. The Task Force makes recommendations to the Board of Water and Natural Resources for nonpoint source project funding priorities based on prioritized water bodies (includes aquifers). The Task Force consists of 24 active agency and organization members. (See Appendix E for the Nonpoint Source Task Force Membership by Agency list.)

2.7.2 AGRICULTURAL ORGANIZATIONS

- South Dakota Corn Growers Association;
- South Dakota Soybean Association;
- South Dakota Oil Seeds Council;
- South Dakota Wheat Commission;
- South Dakota Association of Agricultural Cooperatives;
- South Dakota Crop Improvement Association;

- Triazine Network;
- South Dakota Irrigators Association;
- South Dakota Aerial Applicators Association;
- South Dakota Farm Bureau Federation;
- South Dakota Farmers Union;
- South Dakota National Farmers Organization;
- Soil and Water Conservation Society;
- South Dakota Association of Soil Scientists;
- South Dakota State Horticultural Association;
- South Dakota Fertilizer and Ag Chemical Association; and
- South Dakota Association of Conservation Districts.

2.7.3 COMMUNITY GROUPS

- Lakes and Streams Association;
- South Dakota Water Congress;
- Water Development Districts;
- Dakota Rural Action;
- South Dakota Wildlife Federation;
- South Dakota Municipal League;
- South Dakota Association of Rural Water Systems;
- South Dakota Chapter of American Water Works Association;
- South Dakota Association of County Commissioners;
- League of Women Voters;
- Izaak Walton League of America, Inc.;
- Audubon Society;
- Sierra Club; and
- Interested Public.

2.8 TRIBES

There will be an open and continuous exchange of information in the development and implementation of South Dakota's SMP with the Tribes. Tribal representatives are invited to the SMP meetings. The SDDA and DENR are invited to tribal management plan development meetings. The SDDA and DENR have also reviewed and commented on draft management plans for the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe.

2.9 LOCAL BRANCHES OF GOVERNMENT

The Federal Insecticide, Fungicide and Rodenticide Act delegates the authority to regulate pesticides to the states. The SDDA has primacy for pesticides in South Dakota. Local units of governments have the opportunity to petition the Secretary of the SDDA for a pesticide use restriction. If the petition is deemed valid, the department will look at how best to incorporate the request into the State's Pesticide Management Plans.

Local governments may use a local ordinance to influence land use, such as the siting of a pesticide facility. They may use local funds to influence landowner conversion from row crop farming to a less intensive form of farming such as placing land in the Conservation Reserve Program or in pasture. Local government protection of drinking water involves Source Water Protection efforts. These efforts may include data collection on potential contaminant sources and/or use of local funds to buy land for source water protection.

2.10 COORDINATION MECHANISM

The SDDA will act as the repository and dissemination point for SMP information. Information will be sought from and shared with the appropriate PAGWAG members on a regular schedule. After an initial review of disseminated information by the members, a PAGWAG meeting may be scheduled by SDDA, depending upon the members reaction and the plan set forth in components seven and eight of this document. Information will be reviewed and a PAGWAG meeting held (if necessary) within 30 days of the information review. The DENR, the NRCS, SDSU - CES and the SDDA have committed to taking action in areas designated in components seven and eight as needing SMP action. The SDDA, DENR and SDSU have either current Memorandums of Understandings (MOUs) or interagency agreements, and they may be seen in appendices B and D of this document. The NRCS has given SDDA a verbal commitment to reallocate resources as an SMP action (as described in components seven and eight) is required. Signing this document's Concurrence Signature page is written commitment to potential SMP action for the NRCS and for SMP actions not covered under current MOUs or interagency agreements with DENR and SDSU.